

To: Swenson, Peter[swenson.peter@epa.gov]; Maraldo, Dean[Maraldo.Dean@epa.gov]
Cc: Rowan, Anne[rowan.anne@epa.gov]; Singer, Joshua[Singer.Joshua@epa.gov]; Deamer, Eileen[deamer.eileen@epa.gov]
From: Cassell, Peter
Sent: Tue 6/24/2014 3:39:24 PM
Subject: Fw: Ojibwe request to EPA under 404(c)
ChippewaFederation 404cNotice 27May2014 (5).pdf

Can you help draft a response to these questions?

From: Ben Meyer <bmeyer@wjfw.com>
Sent: Tuesday, June 24, 2014 9:15:57 AM
To: Cassell, Peter
Subject: Ojibwe request to EPA under 404(c)

Hi Peter,

Thanks for your help on the phone a moment ago. Attached is the letter sent by the Ojibwe tribes to the EPA asking the agency to use its authority under Section 404(C) of the Clean Water Act to stop mine permitting activities in northern Wisconsin. I did find a fact sheet about 404(C) "veto" authority on the EPA website, but I want to make sure I understand it fully. Specifically, I see that the formal process starts when the EPA Regional Administrator makes the determination to issue a public notice of a Proposed Determination to withdraw, prohibit, deny, or restrict the specification of a defined area for discharge of dredged or fill material. I'm interested in learning *how* the Regional Administrator makes that determination, *what the timeline* for that is, and *what factors* go into making that determination. I'd also like someone to walk me through the "Veto" process if that determination is made.

Moreover, not in their letter, but in anecdotal conversations, Ojibwe leaders have referenced the Pebble Mine in Alaska as a template for the EPA using 404(C) to stop a project. If I could talk to someone with knowledge of that issue, I'd appreciate it.

Ideally, I'd love to do a video Skype or phone interview. My deadline is 3pm today. Please be in touch via email or the phone number below. Thank you for your help!

Best,
Ben

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